

ENFORCEMENT
UPDATE

Overview

Federal Civil Rights

U.S. Equal Employment Opportunity Commission (EEOC)

U.S. Dept. of Housing & Urban Development (HUD)

EMPLOYMENT/PUBLIC ACCOMMODATION. The EEOC is responsible for enforcing Title VII of the Civil Rights Act of 1964, in addition to other federal laws, that makes it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information, and retaliation. In order for the EEOC to have jurisdiction over an employment complaint, the employer must have a workforce that is larger than fifteen (15) employees. The nearest EEOC office is located in Buffalo, New York, approximately 160 miles from Ithaca.

HOUSING. HUD is responsible for enforcing Title VIII of the Civil Rights Act of 1964 (Fair Housing Amendments Act of 1988), in addition to other federal laws, that makes it illegal to discriminate against any because of race, color, religion, sex, handicap (disability), national origin, or familial status in the sale or rental of housing. The nearest HUD office is in Buffalo, New York, approximately 160 miles from Ithaca.

New York State Civil Rights

NYS Division of Human Rights (SDHR)

The laws of New York State prohibit discrimination in employment, housing, credit, places of public accommodations, volunteer firefighting, and non-sectarian educational institutions, based on age, creed, race, color, sex, sexual orientation, national origin, marital status, disability, military status, arrest record, conviction record, predisposing genetic characteristics, domestic violence victim status (in employment only), and familial status (in housing only).

The New York State Division of Human Rights (SDHR) enforces NYS Human Rights Laws through the investigation, hearing, and resolution of complaints filed by individuals against alleged discriminators. The nearest SDHR office is located in Binghamton, New York, approximately 50 miles from Ithaca.

Tompkins County Civil Rights

Office of Human Rights (OHR)

Tompkins County Code §92 was promulgated in 1991 for the purpose of supplementing NYS Human Rights Law at a time when State protections were limiting. It offers protection in employment, housing, credit, places of public accommodation, education, and volunteer firefighting based solely on sexual orientation, gender identity, and gender expression.

It is important to note that from the mid 1980's to 2008, the OHR operated under a cooperative agreement (MOU) with the SDHR, giving the local agency power to enforce NYS Human Rights Law up to the point of a finding of reasonable cause. In 2008, however, the SDHR withdrew its State powers from the County, thereby limiting the agency's enforcement powers solely to complaints arising under County Code §92.

Under County Code §92, a complaint may be investigated in order to ascertain a probable cause determination. At any time after the filing of the complaint, parties may enter into a voluntary conciliation agreement to settle the complaint. If the investigation is completed and probable cause is determined, a complainant is advised to pursue a lawsuit in the appropriate state or federal court.

Furthermore, County Charter §23 grants OHR the authority to receive and attempt to resolve complaints locally for a broader range of protected classes, prior to referring them to the SDHR or HUD. To further this objective, OHR has established a Pre-Complaint Conciliation (PCC) Program to resolve complaints prior to state/federal referral or filing. If OHR is unable to resolve a complaint through voluntary conciliation measures, the complainant is referred to either the SDHR, EEOC, HUD or other appropriate state/federal administrative enforcement agency.

Most recently, however, OHR has entered into a cooperative agreement with CNY Fair Housing, Inc., a FHIP-funded Qualified Fair Housing Enforcement Organization (QFHEO) located in Syracuse, New York. In December 2014, HUD added Tompkins County to CNYFH's catchment area, allowing fair housing complaints arising in the City of Ithaca and Tompkins County to be referred to CNYFH for private enforcement purposes.

City of Ithaca Civil Rights

Local Anti-Discrimination Law (City Code §215)

The City of Ithaca promulgated its local anti-discrimination law in 2003, protecting persons in the areas of employment, housing, credit, public accommodation, education, and volunteer fire departments.

Under Ithaca City Code §215, the added local protections to state and federal law include height, weight, ethnicity, immigration/citizen status, and socioeconomic status.

The local law does not grant or identify specific enforcement powers or otherwise provide for any meaningful mechanism by which complaints arising within the jurisdiction may be processed locally. Therefore, a complainant alleging housing discrimination within the City is simply advised to pursue a civil lawsuit or file a complaint with the OHR, SDHR, or HUD.

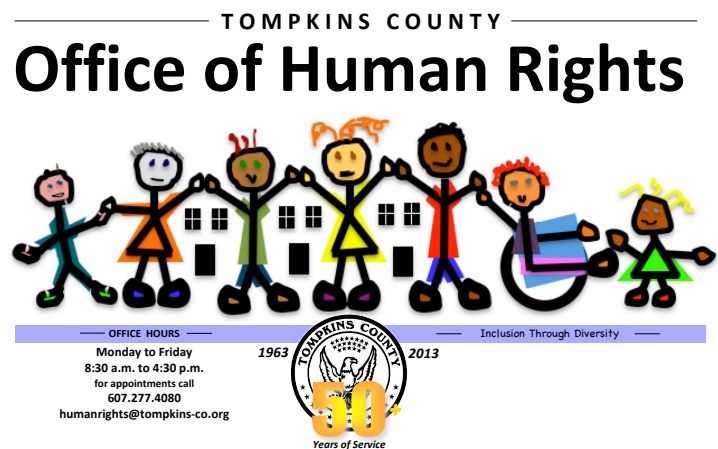
No Tompkins County or City of Ithaca resident has sought to file a discrimination complaint under City Code §215 or the County Code §92 in recent history.

Civil Rights Protected Categories Federal/State/County/City

Protected Class	Federal	NYS State	Tompkins County	City of Ithaca
Race/Color	X	X		X
Religion/Creed	X	X		X
Sex	X	X		X
National Origin	X	X		X
Familial Status	X*	X		X
Disability	X	X		X
Age	X	X		X
Marital Status		X		X
Sexual Orientation		X	X	X
Military Status		X		X
Domestic Violence Victim Status		X**		
Gender Identity or Expression			X	X
Ethnicity				X
Gender				X
Height				X
Immigration/Citizen Status				X
Socioeconomic Status				X
Weight				X

*Housing only

**Employment only



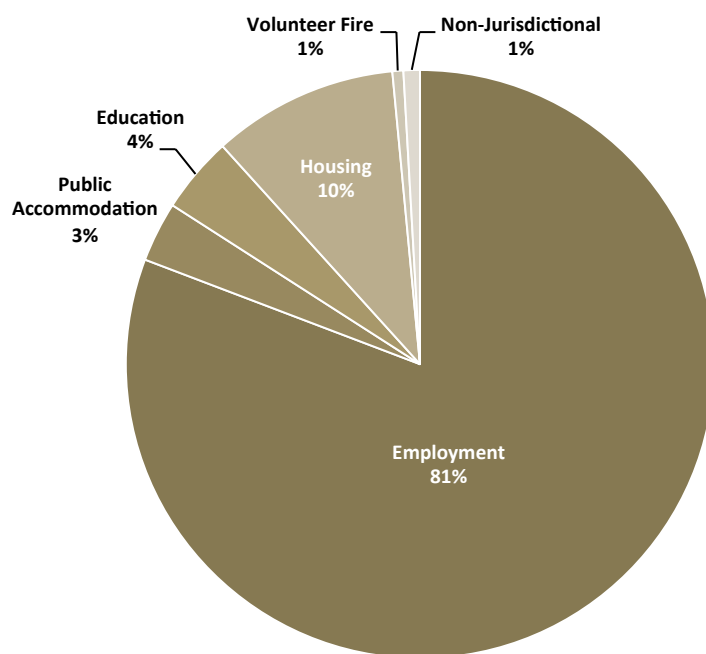
From 2005-2014, three-hundred thirty-three (333) discrimination complaints were filed by Tompkins County residents.

During this period of time, approximately 81 percent of complaints arose in the workplace, while 10 percent of complainants filed claims of housing discrimination.

Prior to 2008, OHR investigated and made findings on behalf of the State in regard to complaints arising within the County. Since that time forward, all discrimination complaints are either referred to the SDHR, HUD, or other appropriate state/federal administrative enforcement agency for processing.

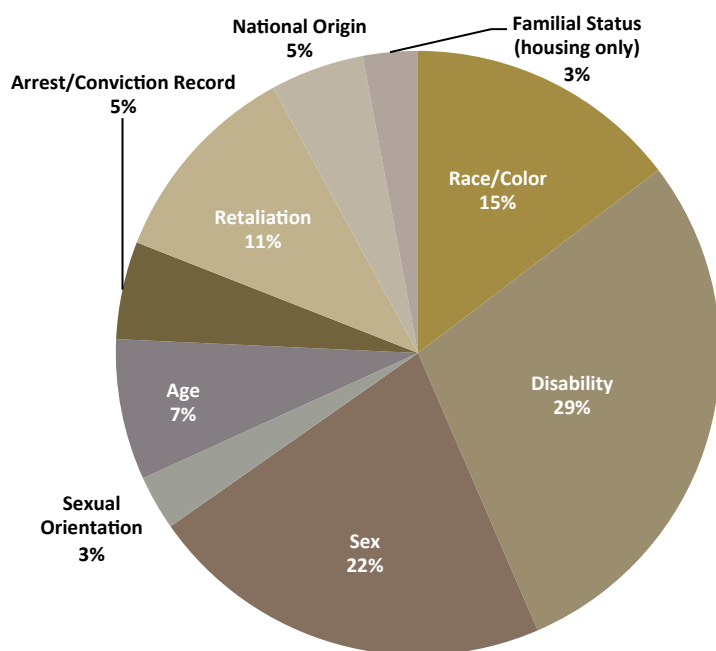
Without an operating MOU with the SDHR, EEOC, or HUD, the OHR does not have access to details related to complaints filed by County residents.

Percentage of Tompkins County Complaints by Jurisdiction
(Total = 333)



Source: SDHR/HUD/OHR Complaint Data.

Percentage of Tompkins County Complaints by Protected Category*
(Total = 333)



From 2005-2014, the majority of discrimination complaints filed in Tompkins County were based on Disability (29 percent), while the next most frequent claim was based on Sex (22 percent).

Race/Color and Retaliation complaints followed, representing 15 percent and 11 percent, respectively, with all other categories falling below 5 percent.

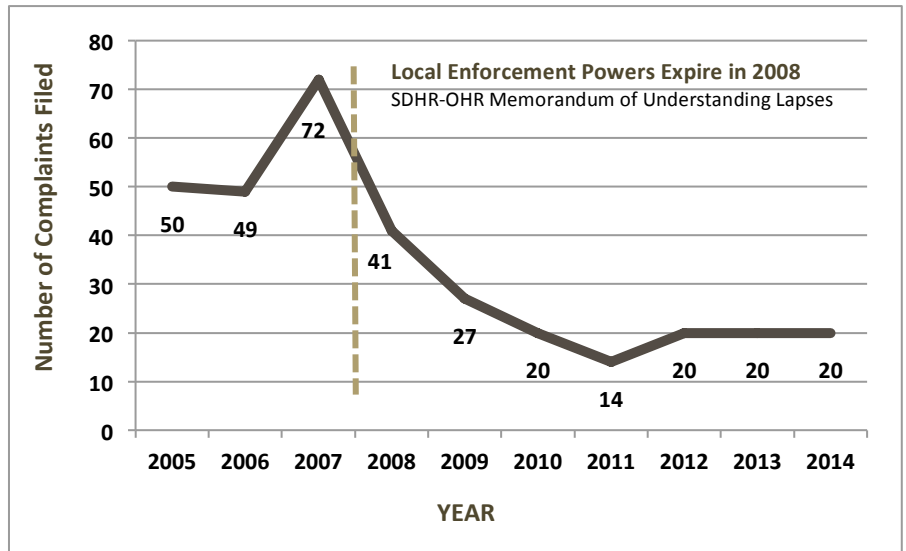
*Source: SDHR/HUD/OHR Complaint Data.

More than one protected category may be claimed per complaint.

Again, until 2008, the OHR enjoyed an MOU with the SDHR to investigate and make determinations for complaints filed within Tompkins County. After the MOU expired, OHR no longer could exercise local enforcement powers — requiring the County to refer local complaints to outside agencies.

After local enforcement powers were taken away, the number of persons filing discrimination complaints in Tompkins County decreased significantly. This precipitous drop in the reporting of local discrimination appears to have leveled off, resulting in a pattern of low numbers (and possibly the under-reporting) of complaints filed by Tompkins County residents with outside agencies.

Number of Discrimination Complaints Filed by Tompkins County Residents
(Total = 333)



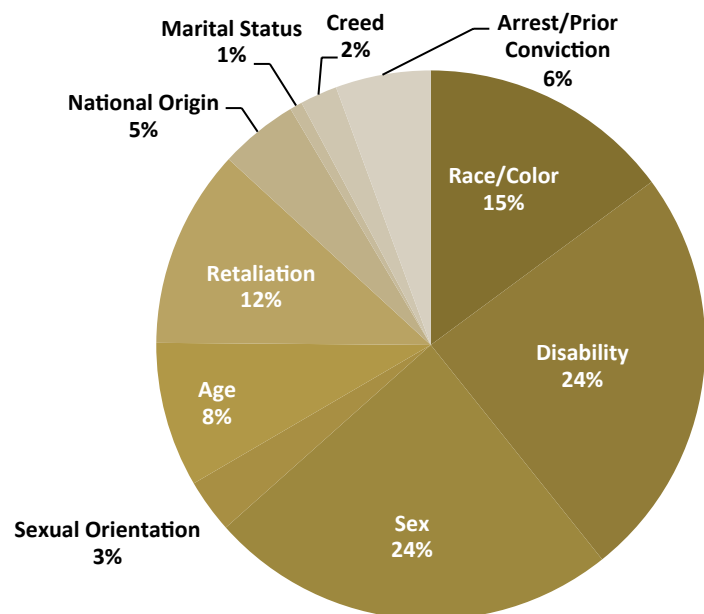
Source: SDHR/HUD/OHR Complaint Data

EMPLOYMENT DISCRIMINATION • 2005-2014

From 2005-2014, there were two-hundred sixty-nine (269) employment discrimination complaints filed in Tompkins County. Complaints were filed with the OHR, SDHR, or the EEOC.

Of the 269 complaints, an equal percentage of complaints were filed on the basis of Disability and Sex (24 percent). The next most claimed basis was Race at 15 percent, with complaints alleging Retaliation (i.e., opposing discrimination) by employers closely following at 12 percent. Employment discrimination based on Age, National Origin, Arrest/Prior Conviction, Sexual Orientation, etc. fell below 8 percent of complaints filed.

Percentage of Employment Complaints by Protected Category*
Tompkins County (Total = 269)



*Source: SDHR/OHR Complaint Data.

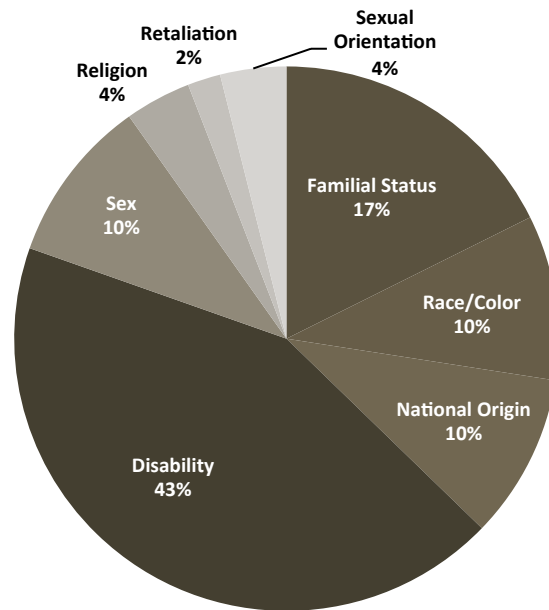
More than one protected category may be claimed per complaint.

HOUSING DISCRIMINATION • 2005-2014

From 2005-2014, there were thirty-four (34) fair housing complaints filed in Tompkins County. Complaints were filed with the OHR, SDHR, or HUD.

Of the thirty-four (34) housing discrimination complaints, 43 percent were filed on the basis of Disability — reflecting more than double the amount of complaints filed on the basis of Familial Status, the next most frequent basis. Race, Color, National Origin, and Sex each accounted for 10 percent of complaints filed. Religion and Sexual Orientation each were 4 percent of complaints, and Retaliation was 2 percent.

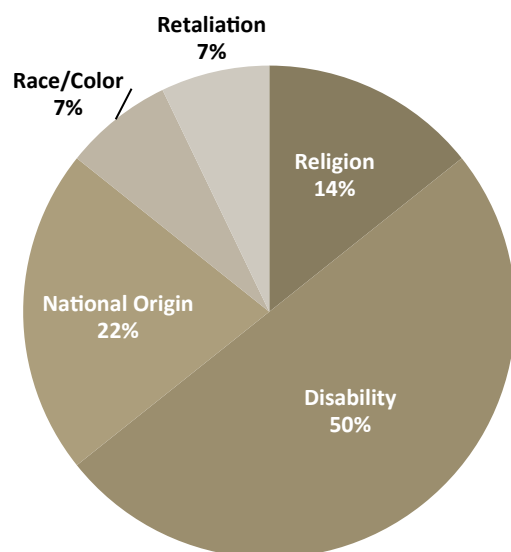
Percentage of Housing Complaints by Protected Category*
Tompkins County (Total = 34)



*Source: SDHR/HUD/OHR Complaint Data.
More than one protected category may be claimed per complaint.

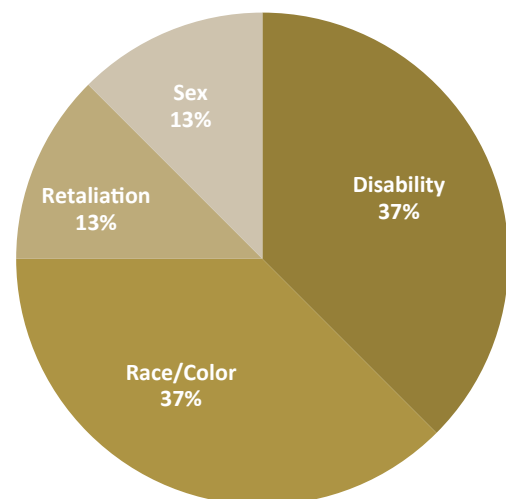
PUBLIC ACCOMMODATION/EDUCATION • 2005-2014

Percentage of Public Accommodation
Complaints by Protected Category*
Tompkins County (Total = 11)



*Source: SDHR/HUD/OHR Complaint Data.
More than one protected category may be claimed per complaint.

Percentage of Education
Complaints by Protected Category*
Tompkins County (Total = 14)



*Source: SDHR/HUD/OHR Complaint Data.
More than one protected category may be claimed per complaint.

Re-Draft of Local Anti-Discrimination Law

Ever since OHR's cooperative agreement with the SDHR lapsed back in 2008, the County's enforcement powers have been significantly diminished when it comes to the processing of local complaints of discrimination.

For nearly two years now, OHR has been engaged in discussions with local stakeholders about our current local anti-discrimination law and whether it should be amended for the purpose of making it more inclusive and meaningful to persons living in Tompkins County. In response, OHR has drafted a proposed law that attempts to reflect those visions (submitted 30 June 2014).

Firstly, OHR's overarching objective is for the re-draft to mirror federal standards and protections in order to potentially attract specific types of federal funds for local enforcement efforts. Furthermore, the redraft has been modeled after local laws from other communities that have already been successful in establishing certifications from various federal agencies.

When it comes to added protections special to Tompkins County (those not covered by state or federal law), OHR is proposing the following add-ons:

Employment Only—In addition to existing "Prior Conviction" protections found in NYS Human Rights Law, OHR is proposing expanded 'Ban the Box' measures when it comes to screening applicants with a criminal record. More precisely, employers may still inquire and disqualify applicants based on prior conviction, but they can only make this inquiry after an offer of employment has been made, not during the application or interview processes.

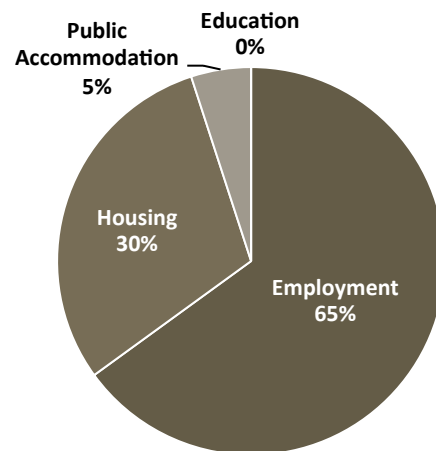
Housing Only—When it comes to housing, OHR is proposing added local protections based on "Source of Income" and "Domestic Violence Victim Status (DVVS)." (1) OHR has reported that the ability to discriminate against Housing Choice Voucher (and other public subsidy programs) holders has a significant and disparate impact on protected groups—including persons with disabilities, persons of color, single mothers with children, etc.). (2) In addition, DVVS is already protected in employment at the state level and is a viable federal housing under "Sex" discrimination.

The Complaint Process—The administrative enforcement process as proposed is a model recommended and certified by a number of federal enforcement agencies.

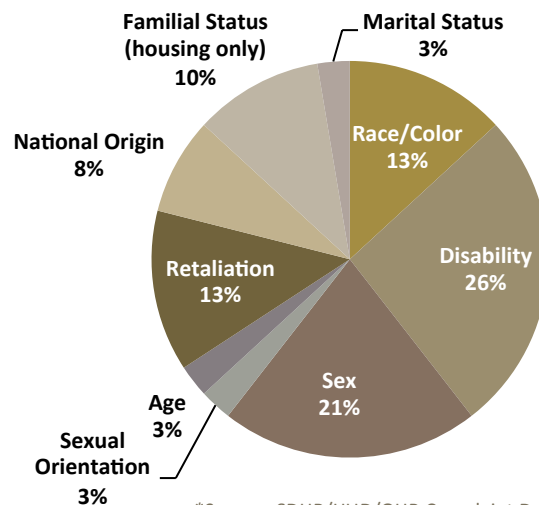
The OHR is looking forward to engaging local stakeholders in the process of furthering human rights protection, enforcement, and promotion.

ENFORCEMENT EFFORTS 2014	Number
Pre-Intake Referrals	236
Intakes	
Post-Intake Referrals (123)	
Reasonable Accommodation/Modification Requests (24)	
Prior Conviction Letters/Art. 23 NYSCL (10)	157
Pre-Complaint Conciliation	1
Complaint Filing (drafted/notarized/sent to outside agency)	10
Total Enforcement Efforts for 2014	404

Percentage of Tompkins County Complaints (2014)
by Jurisdiction
(Total = 20)



Percentage of Tompkins County Complaints (2014)
by Protected Category *
(Total = 20)



*Source: SDHR/HUD/OHR Complaint Data.

More than one protected category may be claimed per complaint.